

PUBLIC CHAPTER NO. 403

SENATE BILL NO. 425

By Crutchfield, Kilby, Marrero

Substituted for: House Bill No. 1822

By Buck

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 9; Title 16; Title 41; Title 48; Title 50 and Title 56, relative to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-207(4)(A)(i), is amended by adding the following language at the end of the final grammatical sentence:

Notwithstanding any statute or court decision to the contrary, the statutory social security offset provided by this section shall have no applicability to death benefits awarded to a deceased worker's dependents pursuant to Tennessee workers' compensation law.

SECTION 2. Tennessee Code Annotated, Section 50-6-238(a), is amended by adding the following language at the end of the subsection as a new subdivision:

(a) (6) (A) If a party submits information, including but not limited to written or electronic document(s), medical records, video or audio tapes, x-rays, to a workers' compensation specialist who is considering whether to order temporary disability and/or medical benefits, the party shall also provide a copy of the information submitted to the opposing party, or the opposing party's attorney, at the time the information is provided to the specialist or upon request by the opposing party and/or attorney.

(B) Upon request, a workers' compensation specialist shall provide either the employee, employer, employer's insurer and/or attorney(s) representing any party an opportunity to review the information the specialist has in the department's file upon which the specialist may base a decision as to whether to order temporary disability and/or medical benefits. The reviewing party shall have the right to request a copy of any document or record contained in the department's file.

(C) The department shall be entitled to charge a fee for copying and mailing the document(s) requested. Said fee shall not exceed ten dollars (\$10.00) for the first twenty-five (25) pages and a charge of twenty-five cents (25¢) for each page after twenty-five (25) pages. No additional fee shall be charged for postage. If the document(s) requested include videotapes, audiotapes or x-rays, the party who provided said video or audio tapes or x-rays to the specialist shall be required to provide a copy to the requesting party and the specialist shall have the authority to order the party to provide the tape or x-ray to the requesting party.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 4, 2007



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of June 2007



PHIL BREDESEN, GOVERNOR